IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 28163 of 2004(C)

PETITIONERS:

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1. **B.THANKAPPAN, OPERATOR,**
   SECTION NO.2, KERALA WATER AUTHORITY, ALLEPPEY.

2. **C.R.RAMACHANDRAN PILLAI, OPERATOR,**
   SECTION NO.2, KERALA WATER AUTHORITY,
   ALLEPPEY.

3. **P.K.VASUDEVAN NAIR, OPERATOR**
   SECTION NO.2, KERALA WATER AUTHORITY, ALLEPPEY.

4. **P.C.MURALIDHARAN, OPERATOR**
   SECTION NO.2, KERALA WATER AUTHORITY, ALLEPPEY.

5. **A.BABU, OPERATOR, P.H.SECTION KERALA**
   WATER AUTHORITY, ALLEPPEY.

6. **P.V.VARGHESE, OPERATOR, P.H.SECTION**
   KERALA WATER AUTHORITY, ALLEPPEY.

7. **V.K.SUGUNANAN, OPERATOR, P.H.SECTION**
   KERALA WATER AUTHORITY, ALLEPPEY.

8. **K.SOMAN, OPERATOR, P.H.SECTION**
   KERALA WATER AUTHORITY, ALLEPPEY.

9. **SUSEELA, W/O. N.CHANDRAN, OPERATOR,**
   P.H.SECTION, KERALA WATER AUTHORITY, ALLEPPEY.

10. **MOLLY IYPE W/O. V.K.IYPE, OPERATOR,**
    P.H.SECTION, KERALA WATER AUTHORITY, ALLEPPEY.

BY ADV. SRI.ASWIN GOPAKUMAR,
SRI.ANWIN GOPAKUMAR.

W.P.(C). NO.28163/2004:

RESPONDENTS:
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1. **KERALA WATER AUTHORITY, REPRESENTED BY ITS MANAGING DIRECTOR, THIRUVANANTHAPURAM.**

2. **THE EXECUTIVE ENGINEER, P.H.DIVISION KERALA WATER AUTHORITY, ALLEPPEY.**

BY ADV. SRI.SUNIL CYRIAC, SC, KWA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.28163/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE GOVERNMENT ORDER IN G.O. (MS) 142/75/LA & SWD DT. 20/03/1973.

EXT.P.2: COPY OF THE LIST.

EXT.P.3: COPY OF THE JUDGMENT IN O.P. NO. 3396/1976-D DTD. 11TH NOV. 1977.

EXT.P.4: COPY OF THE REPRESENTATION DT. 18/07/1991.

EXT.P.5: COPY OF THE JUDGMENT DT. 16/10/1992.

EXT.P.6: COPY OF THE COMMUNICATION DT. 22/11/94.

EXT.P.7: COPY OF THE REPRESENTATION DT. 14/01/1995.

EXT.P.8: COPY OF THE REPRESENTATION.

EXT.P.9: COPY OF THE HEARING NOTE.

EXT.P.10: COPY OF THE REPLY LETTER DT. 26/07/04.

EXT.P.11: COPY OF THE LETTER NO. KWA/JB/E3-2387/2004 DT. 21/08/2004.

EXT.P.12: COPY OF THE LETTER NO. KWA/JB/E3-2387/2004 DT. 16/06/2004.

EXT.P.13: COPY OF THE LETTER NO. MSE - 475/81 DT. 30/08/94.

EXT.P.15: COPY OF THE LETTER NO. KWA/JB/E3-2387/04 DT. 18/03/2005 ISSUED BY R.1.

EXT.P.16: COPY OF THE JUDGMENT IN O.P. 5082/2001 DT. 09/11/2006 OF THIS HONOURABLE COURT.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No. 28163 of 2004

Dated this the 14th day of June, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> i) Issue a writ of certiorari or any other appropriate writ, direction or order quashing the decisions communicated through Ext.P6 as well as Ext.P11 declining to make the categorisation of the petitioners as NMR workers retrospectively with effect from 20-3-1973, as unjust, illegal and void.
>
> ii) A writ of mandamus or any other appropriate writ, direction or order directing the respondents to see that the petitioners are treated on a par with those petitioners in Ext.P3 treating them as NMR workers brought into the said category with effect from 20-3-73, instead of 4-8-1977 and give them all service benefits as in the case of the petitioners in Ext.P3.

In view of Ext.P2 list of the Executive Engineer and which was accepted in Ext.P3 judgment and for which there is also reference in the recent report of the Executive Engineer which is referred to in Ext.P15 letter of the Managing Director, there will be a direction to the Managing Director to categorise the petitioners herein also as NMR workers with effect from 20-3-1973 and grant the consequential benefits within a period of three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.